

# SENATE BILL No. 243

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-8; IC 3-10-1-4.

**Synopsis:** Nomination of candidates. Provides that, if none of the candidates for nomination for United States Senate by a political party required to hold a primary election receive a majority of the votes in the primary election, the political party shall choose its nominee for the office at the state party convention from among the two candidates who receive the greatest number of votes at the primary election.

**Effective:** July 1, 2021.

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January 11, 2021, read first time and referred to Committee on Elections.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## SENATE BILL No. 243

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-8-4-2, AS AMENDED BY P.L.8-2019,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 2. (a) A political party shall conduct a state  
4 convention to nominate the candidates of the political party for the  
5 following offices to be voted on at the next general election:  
6 **(1) United States Senator, if required by IC 3-8-7-1.5.**  
7 ~~(2)~~ **(2)** Lieutenant governor.  
8 ~~(3)~~ **(3)** Secretary of state.  
9 ~~(4)~~ **(4)** Auditor of state.  
10 ~~(5)~~ **(5)** Treasurer of state.  
11 ~~(6)~~ **(6)** Attorney general.  
12 (b) The convention may also:  
13 (1) nominate candidates for presidential electors and alternate  
14 presidential electors; and  
15 (2) elect the delegates and alternate delegates to the national  
16 convention of the political party.  
17 (c) If a political party's state convention does not:



1 (1) nominate candidates for presidential electors and alternate  
2 presidential electors; or

3 (2) elect the delegates and alternate delegates to the national  
4 convention of the political party;

5 the candidates shall be nominated or the delegates elected as provided  
6 in the state party's rules.

7 SECTION 2. IC 3-8-7-1, AS AMENDED BY P.L.194-2013,  
8 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 1. (a) **Except as provided in section 1.5 of this**  
10 **chapter, and** subject to subsections (b) and (c), the candidate of a  
11 political party receiving the ~~highest vote~~ **greatest number of votes** for  
12 an office at a primary election is the nominee of that party for that  
13 office.

14 (b) If the candidate of a political party receiving the highest vote for  
15 an office at a primary election for which a declaration of candidacy  
16 must be filed with the secretary of state or election division under  
17 IC 3-8-2 dies before the certification of primary election results by the  
18 election division, the election division shall promptly certify to the state  
19 chairman of the political party that a candidate vacancy exists, which  
20 may be filled by the political party under IC 3-13-1.

21 (c) If the candidate of a political party receiving the highest vote for  
22 an office at a primary election for which a declaration of candidacy  
23 must be filed with the circuit court clerk under IC 3-8-2 dies before the  
24 certification of primary election results by the county election board,  
25 the county election board shall promptly certify to the county chairman  
26 of the political party that a candidate vacancy exists, which may be  
27 filled by the political party under IC 3-13-1.

28 SECTION 3. IC 3-8-7-1.5 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2021]: **Sec. 1.5. (a) This section applies:**

31 **(1) to the nomination of a candidate for United States Senate**  
32 **by a political party required to nominate candidates at a**  
33 **primary election under IC 3-10-1-4; and**

34 **(2) if none of the candidates receive a majority of the votes at**  
35 **the primary election.**

36 **(b) The election division shall certify the results of the primary**  
37 **election for United States Senate to the political party. In the**  
38 **certification, the election division shall certify the names of the**  
39 **following candidates of the political party:**

40 **(1) The candidate who received the greatest number of votes.**

41 **(2) The candidate who received the greatest number of votes**  
42 **after the candidate named under subdivision (1).**



1           (c) The election division shall make the certification not later  
2 than the date the political party's state convention is scheduled to  
3 convene under IC 3-8-4.

4           (d) The political party shall nominate and certify its candidate  
5 for United States Senate as other candidates are nominated and  
6 certified under IC 3-8-4.

7           SECTION 4. IC 3-10-1-4 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) At a primary election each  
9 political party subject to section 2 of this chapter shall nominate its  
10 candidates for the following offices to be voted for at the general  
11 election:

- 12           (1) United States Senator, **subject to IC 3-8-7-1.5.**
- 13           (2) Governor.
- 14           (3) United States Representative.
- 15           (4) Legislative offices.
- 16           (5) Local offices.

17           (b) In addition, each political party subject to section 2 of this  
18 chapter shall:

- 19           (1) vote on candidates for nomination as President of the United  
20 States;
- 21           (2) elect delegates from each county to the party's state  
22 convention; and
- 23           (3) elect a precinct committeeman for each precinct in the county  
24 if precinct committeemen are to be elected under section 4.5 of  
25 this chapter.

